

LUD 5615 (09905230) - NDH

**REMARKS**

Entry of the foregoing amendment is requested. The amendments addresses the points raised in the Office Action, as explained herein.

With respect to the sequence listing, the Examiner's comments fail to address the points raised in applicants September 12, 2003 response, in their entirety. What is clear from the comments adduced, however, is that prosecution has been delayed due to incomplete and inaccurate information supplied by the USPTO. In addition to the absence of a complete response, the instructions given in the sequence listing are contradictory. For example, as has been pointed out the annotations state "do not use CDS" in the listings. The MPEP, however, instructs appellants to use "CDS." This point has been raised, and ignored, as the instructions remain, without explanation. How are applicants to respond if their questions are not addressed?

With respect to the rejection of claims 80, 85, 87, 89, 91, 93, 95, 96 and 97, this is ultimately, a rejection of claim 80 only.

Essentially, the Examiner's issue, if understood, is that the function of "cancer associated antigen" has not been recited in the claims. The Examiner points to U.S. Patent Nos. 6,500,942 and 6,255,470, as presenting "appropriate parallel terminology."

The '470 patent describes and claims a cancer associated antigen, so the language of claim 1 of '470 has been adopted for claim 80 of this application. Support is found in the specification at, e.g., example 10, where a library of nucleic acid molecules was screened against autologous sera. In other words, nucleic acid molecules were inserted into recipient cells, and tested against autologous sera. SEQ ID NO: 15 encoded a protein which reacted with the autologous sera. Prior examples showed the nucleic acid molecule was associated with cancer cells only. Hence, the nucleic acid molecule encodes a protein which provokes a humoral, e.g., antibody response, as claimed. The amendments are proper, and the claim should be deemed allowable.

The Examiner indicates at page 5 of the amendment that all other issues are moot, so no further discussion is necessary.

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Allowance of this application is called for.

Respectfully submitted,

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